

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ISAAC MONGIA.

Plaintiff.

v.

CITY OF FRESNO, *et al.*,

Defendants.

Case No. 1:23-cv-01234-JLT-EPG

**ORDER GRANTING PLAINTIFF'S MOTION
FOR LEAVE TO AMEND THE COMPLAINT**

Plaintiff Isaac Mongia, proceeding *pro se* and *in forma pauperis*, initiated this civil action by filing a complaint on August 18, 2023. (ECF No. 1). The Court informed Plaintiff that his complaint is subject to screening before the Court authorizes the Clerk of Court to issue summons pursuant to 28 U.S.C. § 1915. (ECF No. 3, p. 2 n.1).

On October 20, 2023, Plaintiff filed a motion for leave to amend his complaint. (ECF No. 7). As grounds for leave to amend, Plaintiff seeks amendment to “[r]e-evaluate the claims to apply more accurate and appropriate claims that apply to this case.” (*Id.*, p. 5). Plaintiff also seeks to “[c]orrect the factual allegations section to comply with Federal Rules of Civil Procedure 8 and 10(b).” (*Id.*) Plaintiff also requests 90-days to file an amended complaint. (*Id.*)

Federal Rule of Civil Procedure 15(a)(2) provides that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Rule 15(a)(2) further states that “[t]he court should freely give leave when justice so requires.”

Given that the Court has not yet authorized summons to any defendant in this action, the Court finds good cause to grant Plaintiff leave to file a first amended complaint.

Accordingly, IT IS ORDERED as follows:

1. Plaintiff's motion for leave to amend (ECF No. 7) is GRANTED. Plaintiff shall file his proposed amended complaint within 90 days of this order.

IT IS SO ORDERED.

Dated: **November 8, 2023**

/s/ Eric P. Groj